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**PATENT APPLICATION**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Satoshi SUGAHARA et al.

Group Art Unit: 2826

Application No.: 10/547,844

Examiner: B. SANDVIK

Filed: September 2, 2005

Docket No.: 125209

For: FIELD-EFFECT TRANSISTOR WITH SPIN-DEPENDENT TRANSMISSION  
CHARACTERISTICS AND NON-VOLATILE MEMORY USING THE SAME

**RESPONSE TO RESTRICTION AND ELECTION OF SPECIES REQUIREMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

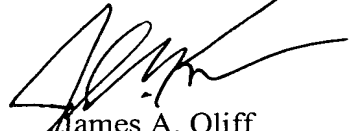
In reply to the July 31, 2006 Restriction and Election of Species Requirement, Applicants provisionally elects Group I, claims 1-41, 60-68, 72-78 and 82-86, drawn to a transistor; and Species I, claims 1-17, 40, 41, 60, 62-65, 67, 68, 72-78 and 82-86, with traverse.

It is also respectfully submitted that the subject matter of all claims and species is sufficiently related that a thorough search for the subject matter of any one Group of claims and species would encompass a search for the subject matter of the remaining claims and species. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden. See MPEP §803 in which it is stated that "if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions" (emphasis added). It is respectfully submitted that this policy should

apply in the present application in order to avoid unnecessary delay and expense to Applicants and duplicative examination by the Patent Office.

Thus, withdrawal of the Restriction and Election of Species Requirement is respectfully requested.

Respectfully submitted,



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JAO:JSK/tls

Date: August 29, 2006

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